United Nations S/2005/810

Security Council

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Draft resolution

The Security Council,

Recalling its resolutions and the statements by its President concerning the Democratic Republic of the Congo, especially resolutions 1533 of 12 March 2004, 1565 of 1 October 2004, 1592 of 30 March 2005, 1596 of 18 April 2005, 1616 of 15 August 2005, 1621 of 6 September 2005 and 1628 of 30 September 2005, and the statements of 2 March (S/PRST/2005/10) and 4 October 2005 (S/PRST/2005/46),

Reaffirming its commitment to respect for the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as all States in the region, and its support for the process of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed in Pretoria on 17 December 2002, and *underlining* the importance of elections as the foundation for the longer-term restoration of peace and stability, national reconciliation and establishment of the rule of law in the Democratic Republic of the Congo,

Reiterating its serious concern regarding the continuation of hostilities by militias and foreign armed groups in the eastern part of the Democratic Republic of the Congo, and at the threat they pose to civilians and to the holding of elections in the Democratic Republic of the Congo and to stability in the region,

Deploring the violations of human rights and international humanitarian law committed by these groups and militias and *stressing the urgent need* for those responsible for these crimes to be brought to justice,

Welcoming the robust action taken by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) against these groups and militias, and *commending* the dedication of the personnel of MONUC, who are operating in particularly hazardous conditions,

Calling upon all armed groups in the Great Lakes Region of Africa, such as the Forces démocratiques de libération du Rwanda (FDLR), the Palipehutu — Forces nationales de libération (FNL), the Lord's Resistance Army, to act without delay to lay down their arms, enter demobilization programmes and support efforts to consolidate peace under way in the region,

Having noted the decision, taken on 16 September 2005 by the Democratic Republic of the Congo, Uganda, Rwanda and Burundi, acting within the framework

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of the Tripartite Plus Joint Commission, to retain the deadline of 30 September 2005 for the voluntary disarmament of the FDLR, on the understanding that sanctions would be imposed should they fail to respect this deadline,

Taking note of the letter dated 21 October 2005 from the ministers representing Burundi, the Democratic Republic of the Congo, Rwanda and Uganda on the Tripartite Plus Joint Commission addressed to the President of the Council,

Calling upon the States of the region to deepen their cooperation with a view to putting an end to the activities of illegal armed groups, and *underlining* that any recourse to the threat or use of force against the territorial integrity of a State is contrary to the Charter of the United Nations,

Urging in this regard participants in the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region of Africa to convene the second summit as soon as possible,

Aware that the link between the illegal exploitation of natural resources, the illicit trade in those resources and the proliferation and trafficking of arms is one of the factors fuelling and exacerbating conflicts in the Great Lakes Region of Africa, and especially in the Democratic Republic of the Congo,

Paying tribute to the donor community for the assistance it is providing to the Democratic Republic of the Congo, and *encouraging* it to maintain that assistance,

Taking note of the report of the Security Council mission which visited the region of Central Africa from 4 to 11 November 2005 (S/2005/716), and *endorsing* its recommendations,

Noting that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Deplores* the fact that foreign armed groups present in the eastern part of the Democratic Republic of the Congo have not yet laid down their arms, and *demands* that all such groups engage voluntarily and without any delay or preconditions in their disarmament and in their repatriation and resettlement;

2. *Decides* that, for a period expiring on 31 July 2006, the provisions of paragraphs 13 to 16 of resolution 1596 shall extend to the following individuals, as designated by the Committee established pursuant to resolution 1533 ("the Committee"):

(a) political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups,

(b) political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo and in particular those operating in Ituri, who impede the participation of their combatants in disarmament, demobilization and reintegration processes;

3. *Decides* that the measures imposed under paragraph 2 above as well as those under paragraph 13 of resolution 1596 shall not apply where the Committee authorizes in advance, and on a case by case basis, the transit of individuals returning to the territory of the State of their nationality, or participating in efforts to

bring to justice perpetrators of grave violations of human rights or international humanitarian law;

4. *Decides* that the tasks of the Committee set out in paragraph 18 of resolution 1596 shall extend to the provisions set out in paragraph 2 above;

5. *Requests* the Secretary-General and the Group of Experts established under resolution 1533, within its capabilities and without prejudice to the execution of the other tasks in its mandate, to assist the Committee in the designation of the leaders referred to in paragraph 2 above;

6. *Decides* that the provisions of paragraphs 2 to 5 above shall enter into force on 15 January 2006, unless the Secretary-General informs the Council that the process of disarmament of those foreign armed groups and Congolese militias operating in the Democratic Republic of the Congo is being completed;

7. *Decides* that, no later than 31 July 2006, it shall review the measures set forth in paragraph 2 above, in light of progress accomplished in the peace and transition process in the Democratic Republic of the Congo, in particular with regard to the disarmament of foreign armed groups;

8. *Urges* the Government of National Unity and Transition to do its utmost to ensure the security of civilians, including humanitarian personnel, by effectively extending State authority throughout the territory of the Democratic Republic of the Congo, and in particular in the provinces of North Kivu and South Kivu and in the Ituri district;

9. *Recalls* that, by its resolution 1565, the Council has mandated MONUC to support operations led by the Armed Forces of the Democratic Republic of the Congo to disarm foreign combatants, and to facilitate the voluntary repatriation of disarmed foreign combatants and their dependants;

10. *Requests* in this regard the Secretary-General, in close coordination with all relevant stakeholders and in particular the Government of National Unity and Transition, to submit to the Council for its consideration, by 15 March 2006, a comprehensive and integrated strategy for the disarmament, repatriation and resettlement of foreign combatants, incorporating military, political, economic and justice-related aspects, including MONUC's contribution within its current mandate, in accordance with the applicable norms of international law and with respect for the rights and freedom of the human person;

11. *Emphasizes* that, as per resolution 1565, MONUC is authorized to use all necessary means, within its capabilities and in the areas where its armed units are deployed, to deter any foreign or Congolese armed group from attempting to use force to threaten the political process, and to ensure the protection of civilians under imminent threat of physical violence;

12. *Urges* the Government of National Unity and Transition to carry out reform of the security sector, through the expeditious integration of the Armed Forces and of the National Police of the Democratic Republic of the Congo, and in particular by ensuring adequate and timely payment and logistical support for their personnel, with a view to allowing them, inter alia, to expedite the disarmament of armed groups operating on Congolese territory, *taking note* as appropriate of the Eusec recommendations mentioned in the report of the Security Council mission to Central Africa;

13. *Reiterates its call* on the donor community, as a matter of urgency, to continue to engage firmly in the provision of assistance needed for the integration, training and equipping of the Armed Forces and of the National Police of the Democratic Republic of the Congo, and *urges* the Government of National Unity and Transition to promote all possible means to facilitate and expedite cooperation to this end;

14. *Requests* the Secretary-General to submit his observations and, if he deems it necessary, recommendations concerning the letter dated 21 October 2005 from the ministers representing Burundi, the Democratic Republic of the Congo, Rwanda and Uganda on the Tripartite Plus Joint Commission addressed to the President of the Council;

15. *Demands* that the Governments of Uganda, Rwanda, the Democratic Republic of the Congo and Burundi take measures to prevent the use of their respective territories in support of violations of the arms embargo imposed by resolutions 1493 and 1596, and renewed by resolution 1616, or in support of activities of armed groups present in the region;

16. *Demands further* that all States neighbouring the Democratic Republic of the Congo as well as the Government of National Unity and Transition, impede any kind of support to the illegal exploitation of Congolese natural resources, particularly by preventing the flow of such resources through their respective territories;

17. *Requests* States concerned and particularly those in the region to take additional measures with regard to the political and military leaders of the foreign armed groups present in their respective territories, including, where necessary, by taking action to bring them to justice or by taking appropriate measures of international cooperation and judicial assistance;

18. *Reiterates its call* upon the Congolese authorities to bring to justice without delay perpetrators of grave violations of human rights and of international humanitarian law, and *reiterates* that MONUC's mandate, as set out in resolution 1565, includes cooperation with efforts to bring such perpetrators to justice;

19. *Demands* that all parties cooperate fully with the International Criminal Tribunal for Rwanda in Arusha, particularly with regard to the arrest and transfer of indictees who remain at large;

20. *Decides* to remain actively seized of the matter.